

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

GENX INTERNATIONAL, INC. and IVFONLINE.COM, LLC,	)	CIVIL ACTION NO. 05-CV-10419(DPW)
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
	)	
JEREMY JOHNSON and REFROMEDIX CORP.,	)	
	)	
Defendants.	)	
	)	

**JOINT MOTION FOR MODIFICATION OF CASE SCHEDULE**

Plaintiffs genX international, inc. and IVFonline.com, LLC, and Defendants Jeremy Johnson and Repromedix, Corp. (jointly, the “parties”) respectfully and jointly request that this Court amend the Case Schedule entered in this action following the September 20, 2005 Scheduling Conference (the “Scheduling Order”) so as to extend by approximately two months certain deadlines in this case. This is the parties’ first joint request for a modification of the Scheduling Order.

In support of this motion, the parties state that due to the lack of availability of certain witnesses, they were unable to arrange selected nonexpert depositions of the parties, including the deposition of Defendant Jeremy Johnson and the Rule 30(b)(6) depositions of the plaintiffs and Repromedix Corp., prior to the current deadline of March 1, 2006. The parties are requesting an amendment of the Scheduling Order in order to arrange and complete those depositions.

In further support of this motion, the parties state that the modification also will allow them to investigate the possibility of settlement. Moreover, the parties agree that the granting of this modification will not result in prejudice to either party, and that it is in the best interest of the efficient resolution of this matter and will, therefore, promote judicial economy.

**PLAINTIFFS' STATUS UPDATE:**

The discovery remaining to be taken by Plaintiffs includes the deposition of Defendant Jeremy Johnson and the Rule 30(b)(6) deposition of Defendant Repromedix Corp. For purposes of avoiding one of Plaintiffs' representatives and Plaintiffs' counsel having to make multiple trips to Boston from their respective offices in Connecticut, Plaintiffs desire to depose Johnson and Repromedix Corp. on the same day. Plaintiffs noticed the deposition of Johnson and the Rule 30(b)(6) deposition of Repromedix Corp. for February 22, 2006. However, Defendants' counsel informed Plaintiffs' counsel that Johnson, who resides in California, and Craig Sockol, Repromedix Corp.'s Rule 30(b)(6) designee, were unavailable on that date. Defendants' counsel also informed Plaintiffs' counsel that Johnson and Sockol were not available to be deposed on the same day during the month of February. In light of these circumstances, the parties seek to amend the Case Schedule to reschedule the dates of these depositions and the depositions noted in Defendants' Status Update. Plaintiffs anticipate completing this additional discovery by May 1, 2006.

Plaintiffs also intend to conduct depositions of any experts designated by Defendants pursuant to Rule 26(a)(2). Plaintiffs anticipate completing this additional discovery, if necessary, by June 28, 2006. Plaintiffs may also propound further interrogatories and requests for production on Defendants. Plaintiffs anticipate completing this additional discovery, if necessary, by May 1, 2006.

Plaintiffs have propounded interrogatories and requests for production to which Defendants have served objections and responses, and produced documents. Plaintiffs intend to file a motion to compel in the event that any of Defendants' objections cannot be resolved by the parties. Plaintiffs anticipate filing this motion, if necessary, by March 15, 2006. Plaintiffs may also file a motion for summary judgment. Plaintiffs anticipate filing this motion, if necessary, by August 10, 2006.

Plaintiffs do not anticipate joining any other parties or amending the pleadings at this time, but reserve the right to do so in the event that discovery yields information requiring joinder of additional parties or amendment of the pleadings.

**DEFENDANTS' STATUS UPDATE:**

On or about January 25, 2005, Defendants served Plaintiffs with interrogatories and document requests. By agreement of the parties, Plaintiffs' responses are due on March 29, 2006. Defendants noticed Rule 30(b)(6) depositions of genX international, inc. and IVFonline.com, LLC for February 28, 2006 and February 27, 2006, respectively. Nonetheless, due to the aforementioned scheduling conflicts, the Plaintiffs' depositions of Jeremy Johnson and Repromedix Corp. will not be completed by said dates. As the Defendants have extended the Plaintiffs the courtesy of deposing witnesses first, and the Defendants do not want to take Plaintiffs' depositions until after Plaintiffs respond to Defendants' discovery requests, the parties seek to amend the Case Schedule to reschedule the dates of the depositions noted herein. Defendants intend to complete this additional discovery by May 1, 2006.

If Plaintiffs identify expert witnesses pursuant to Rule 26(a)(2), Defendants intend to depose those witnesses prior to June 28, 2006. Defendants may also propound further

interrogatories and requests for production on Plaintiffs. Defendants anticipate completing this additional discovery, if necessary, by May 1, 2006.

Defendants do not anticipate seeking leave to join parties or amend pleadings. Defendants may file a motion for summary judgment. Defendants anticipate that they will be prepared to file such a motion on or before August 10, 2006.

Accordingly, the parties respectfully request that the Court amend the Scheduling Order to include the following new deadlines:

1. All trial experts are to be designated and disclosure of information contemplated by Fed. R. Civ. P. 26 provided by the party bearing the burden of proof no later than May 1, 2006, and rebuttal experts no later than May 29, 2006; expert depositions shall be completed by June 28, 2006.
2. Fact discovery is to be completed by May 1, 2006.
3. Motions for summary judgment are to be filed by August 10, 2006, and responses are to be filed within fourteen (14) calendar days thereafter.
4. A further scheduling/status conference is set for September 18, 2006 at 2:30 P.M., or such other date and time as are convenient to the Court. The parties shall file a STATUS REPORT on or before September 11, 2006.

WHEREFORE, the parties respectfully request that the Court grant their joint motion to amend the Scheduling Order as set forth above.

Respectfully submitted,

<b>PLAINTIFFS,</b> <b>GENX INTERNATIONAL, INC. and</b> <b>IVFONLINE.COM, LLC,</b> By their attorney,	<b>DEFENDANTS,</b> <b>JEREMY JOHNSON and REPRODIX</b> <b>CORP.,</b> By their attorneys,
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/s/ Glenn A. Duhl  
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Dated: February 15, 2006